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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,372

08/26/2003

Dennis D. Elledge

MTIPAT.165C1

4731

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7590

11/16/2005

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,372

Applicant(s)

ELLEDGE, DENNIS D.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to Applicant's RCE filed August 22, 2005. Claims 2-5, 13, 15-17, 27-29, 33, 37, 41, 45, 48, and 54 have been amended.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 54-56 are rejected under 35 U.S.C. 102(a) as being anticipated by Isaacman et al. (US Patent No. 5,936,527).

Claim 54:

Isaacman discloses method of identifying lost or stolen items, the method comprising:

- a. receiving data identifying items that have been lost or stolen
- c. receiving with a receiver information transmitted by a radio frequency identification (RFID) device associated with an item;
- d. storing data associated with lost or stolen items in a first secure database (host 14),
- e. updating a second secure database (PC 1) with at least a portion of the data stored in the first secure database (e.g. by user's entry), the second secured database being in communication with the receiver; and

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- c. comparing the information received with the receiver with the data stored in the second database to locate the at least one of the lost or stolen items.

Claim 55:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 2), which is functionally equivalent as an alarm signal.

Claim 56:

The RFID device 20 comprises a memory configured to store said information.

Claim Rejections - 35 USC § 103

4. Claims 2-7, 10-24, 45-48, 50, and 52-53 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Isaacman et al. (US Patent No. 5,936,527).

Claim 2:

Isaacman et al. discloses a method for identifying a lost or stolen device, the method comprising:

- a. Receiving data identifying a plurality of items (document) that have been lost or stolen, wherein each item is associated with a transmitter (tag) (col. 8, lines 30-39)

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- b. Storing a secure database (PC 2) data associated with stolen devices (col. 8, lines 22-39)
- c. Receiving identification information of detected devices using at least one reader 18
 - a. Comparing information received by the at least one reader with the data stored in the secure database.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 3:

The method disclosed in Isaacman additionally comprising receiving from a central database (PC2) the data associated with the plurality of lost or stolen items or devices.

Claim 4:

The information received by the at least one reader 18 is transmitted by each of the detected items or devices in response to receiving a signal from the reader.

Claim 5:

The receiving identifying information of detected devices in Isaacman comprises receiving a signal from a radio frequency identification (RFID) tag associated with each detected item or device.

Claim 6:

The RFID tag in 20 comprises a passive RFID tag.

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Claim 7:

In Isaacman, the act of receiving identifying information is performed in a public place (offices, warehouse, factories, et...).

Claim 8:

The public place in Isaacman commercial locations. However, it would have been obvious to one skilled in the art to use this system in an airline terminal or any environment wherein monitoring of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claim 9:

Though the tagged item in Isaacman comprises a lap top computer, one skilled in the art would have readily recognized that it would be desirable to monitor a laptop computer in a department store where a laptop computer is sold.

Claim 10:

Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 146), which is functionally equivalent as an alarm signal.

Claim 11:

Though Isaacman fails to disclose sending the alarm signal comprising producing an audible tone, a skilled artisan would have readily recognized modifying the computer in Isaacman to provide a sound in addition to display indicator to indicate that the file has been

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found because sound indication would additionally attract user's attention than visual display alone.

Claim 12:

The act of sending the alarm signal Bowers comprises activating an indicator on a display screen 146. See fig. 8.

Claim 13:

Isaacman discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. a secure database (col. 8, lines 22-39) that is configured to receive and store data identifying a plurality of lost or stolen items,
- b. a processor, PC 2, that is configured to receive from at least one reader identifying information regarding detected devices, wherein the processor is further configured to compare the identifying information with the data stored in the secure database.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 14:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it

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would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 146), which is functionally equivalent as an alarm signal.

Claim 15:

The secure database in Isaacman is configured to receive the data identifying the plurality of lost or stolen devices from a central database.

Claim 16:

The at least one reader 18 is configured to receive identifying information from a radio frequency identification (RFID) tag 20.

Claim 17:

The apparatus in Isaacman comprises:

- a. a transceiver 20, coupled to a device, the transceiver configured to transmit identifying information
- b. a first secure database (col. 8, lines 22-39) configured to store data associated with lost or stolen items and configured to prevent unauthorized access to the data stored therein, and
- c. a plurality of check out points (exits or doorways, see col. 13, last paragraph) comprising:
 - a. a reader 18
 - b. a processor PC 2 configured to compare to compare the identifying information with the data stored in the secure database, wherein the processor is

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configured to generate a signal if the identifying information matches at least some of the stored data. Col 11, last paragraph to col. 13, first paragraph.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 18:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 146), which is functionally equivalent as an alarm signal.

Claim 19:

Though Isaacman fails to disclose sending the alarm signal comprising producing an audible tone, a skilled artisan would have readily recognized modifying the computer in Isaacman to provide a sound in addition to display indicator to indicate that the file has been found because sound indication would additionally attract user's attention than visual display alone.

Claim 20:

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The alarm in Isaacman inherently comprises an indicator on a display screen (e.g. display 146 in fig. 8).

Claim 21:

The transceiver 20 transmits the identifying information in response to receiving a signal from the reader.

Claim 22:

The transceiver comprises a radio frequency identification (RFID) tag 20.

Claim 23:

The RFID tag 20 comprises a passive RFID tag.

Claim 24:

At least one of the plurality of checkpoints disclosed in Isaacman is located in a public place.

Claim 25:

The public place in Isaacman commercial locations. However, it would have been obvious to one skilled in the art to use this system in an airline terminal or any environment wherein monitoring of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claim 26:

Though the tagged item in Isaacman comprises a lap top computer, one skilled in the art would have readily recognized that it would be desirable to monitor a laptop computer in a department store where a laptop computer is sold.

Claim 27:

Isaacman et al. discloses a method for locating a lost or stolen device, the method comprising:

- a. Receiving a report of a lost or stolen item having a transmitter (RFID 20) attached thereto
- b. Storing a secure database PC 2 data associated with stolen devices (col. 8, lines 22-39)
- d. Receiving identification information of detected from tag transmitter circuitry
- b. Comparing information received by the at least one reader with the data stored in the secure database PC 2 to locate lost or stolen items.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 28:

In Isaacman, the identifying information is transmitted by each detected item/device 20 in response to receiving a signal from the reader 18.

Claim 29:

In Isaacman, the receiving identifying information from the transmitter circuitry of detected items/devices comprises receiving a signal from a radio frequency identification (RFID 20) associated with each detected item/device.

Claim 30:

The RFID tag 20 comprises a passive RFID tag.

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Claim 31:

The reader 18 in Isaacman is located in a public place.

Claim 32:

The public place in Isaacman commercial locations. However, it would have been obvious to one skilled in the art to use this system in an airline terminal or any environment wherein monitoring of a device to prevent theft is desired because the function of the apparatus would not thereby be modified.

Claim 33:

Though the tagged item in Isaacman does not comprises a lap top computer, one skilled in the art would have readily recognized that it would be desirable to monitor a laptop computer in a department store where a laptop computer is sold.

Claim 34:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 2), which is functionally equivalent as an alarm signal.

Claim 35:

Though Isaacman fails to disclose sending the alarm signal comprising producing an audible tone, a skilled artisan would have readily recognized modifying the computer in

Isaacman to provide a sound in addition to display indicator to indicate that the file has been found because sound indication would additionally attract user's attention than visual display alone.

Claim 36:

The alarm in Isaacman inherently comprises an indicator on a display screen (e.g. display 146 in fig. 8).

Claim 37:

Isaacman et al. discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. means PC 2 for receiving a report of a lost or stolen item having transmitter circuitry (RFID 20) associated therewith;
- b. secure means for storing data associated with the report of the lost or stolen item;
- c. means for receiving identifying information of detected devices, and means for comparing the identifying information with the data associated with the report of the lost or stolen item.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 38:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database.

Claim 39:

The means for storing data in Isaacman comprises a secure database. See col. 8, lines 22-39.

Claim 40:

In Isaacman, the means for receiving identifying information comprises a radio frequency identification (RFID) reader 18.

Claim 41:

Isaacman discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. a processor PC 2 configured to receive a report of a lost or stolen item and configured to store in a secure database data associated with the report (col. 8, lines 22-39),
- b. wherein the processor PC 2 is configured to receive identifying information from a plurality of readers 18,
- c. wherein each reader 18 is located at a checkpoint (an exit) and configured to receive the identifying information transmitted by a transceiver 20 when a detected item associated with the transceiver is within a defined distance from the reader.

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide

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some indication that the item has been found (e.g. display 2), which is functionally equivalent as an alarm signal.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 42:

The database in Isaacman is configured to prevent unauthorized access to the data stored therein. See col. 8, lines 22-39.

Claim 43:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database when the item/device is detected at a checkpoint. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 146), which is functionally equivalent as an alarm signal.

Claim 44:

The data associated with the report of the lost or stolen item/device disclosed in Isaacman comprises identifying information for a radio frequency identification (RFID) tag 20.

Claim 45:

Isaacman discloses an apparatus for identifying a lost or stolen item, the apparatus comprising:

- a. a transmitter 20, configured to transmit identification information associated with an item;
- b. a receiver 18 configured to receive the identification information; and
- c. a processor PC 2 configured to receive the identification information from the receiver, the processor having a first secure database for storing data associated with a plurality of lost or stolen devices, wherein the processor is configured to compare the identification information with the stored data.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 46:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 2), which is functionally equivalent as an alarm signal.

Claim 47:

In Isaacman, the identification information on the document is a serial number. Col. 11, lines 1-7.

Claim 48:

Isaacman discloses an apparatus for identifying a lost or stolen device, the apparatus comprising:

- a. a transmitter RFID tag 20, associated with a item, configured to transmit identification information
- b. a first receiver (RFID reader 18) configured to receive the transmitted identification information when the transmitter is within a defined distance from the receiver,
- c. a first processor, host 14, having a first secured database configured to store data associated with a plurality of lost or stolen item
- d. a second processor PC 2 configured to receive the identification information from the first receiver, the second processor having a second database configured to receive at least a portion of the stored data from the first database and configured to compare the received portion of the stored data with the identification information received from the first receiver.

Although the items in Isaacman is a document instead devices, one skilled would have readily recognized using the same method and system in Isaacman to track any movable objects (as suggested by Isaacman as stated in summary of invention, first paragraph) such as any devices as desired because the function of the system would not thereby be modified.

Claim 49:

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The defined distance between the tagged item and the reader in Isaacman is up to 50 ft, which includes 6 ft distance.

Claim 50:

The first processor PC 2 in Isaacman is inherently configured to update the data associated with the plurality of lost or stolen items/devices stored in the first secure database.

Claim 51:

The second processor is configured periodically updated the second secure database with at least a portion of the updated database stored in the first secured database.

Claim 52:

The apparatus in Isaacman is configured to send a signal when at least a portion of the identifying information matches a portion of the data stored in the secure database. Isaacman fails to disclose sending an alarm signal when the information received by the at least one reader corresponds to the data associated with the plurality of lost or stolen items/devices. However, it would have been obvious to one skilled in the art that the system in Isaacman would provide some indication that the item has been found (e.g. display 2), which is functionally equivalent as an alarm signal.

Claim 53:

Isaacman further discloses a second receiver 18 configured to receive the transmitted identification information when the transmitter is within a defined distance from the second receiver.

Isaacman fails to disclose a third processor configured to receive the identification information from the second receiver, having a third database configured to receive at least a

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portion of the stored data from the first secure database and configured to compare the received portion of the stored data with the identification information received from the second receiver. Nonetheless, it would have been obvious to one skilled in the art to add a third processor in the Isaacman system because it would provide redundancy which would lead to better detection of the lost items.

Response to Applicant's Remarks

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a stylized, flowing script.

Julie Lieu
Primary Examiner
Art Unit 2636

Nov 10, 05